

Development Consent – Key Sites

Section 4.38 of the Environmental Planning and Assessment Act 1979

As the Minister for Planning and Public Spaces, I,

- (a) approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.
- (b) pursuant to Section 4.37 of the Environmental Planning and Assessment Act, determine that any subsequent stage of the development with a capital investment value of less than \$30 million is to be determined by the relevant authority and that stage of the development ceases to be State significant development.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development



The Hon Robert Stokes MP
NSW Minister for Planning and Public Spaces

Sydney

20th July,

2020

File: SSD 8784

SCHEDULE 1

Application Number:	SSD 8784
Applicant:	Landcom on behalf of Sydney Metro
Consent Authority:	Minister for Planning and Public Spaces
Site:	242-244 Beecroft Road, Epping (Lot 220 DP 1251471)
Development:	<p>Concept Development Application comprising a mixed used development, including:</p> <ul style="list-style-type: none">• maximum building envelopes for podium and tower buildings• maximum gross floor area of 38,700m² comprising maximum residential gross floor area of 37,700m² and maximum non-residential gross floor area of between 750m² and 1,000m²• conceptual land use for non-residential and residential floor space, which may include office premises, business premises, food and drink premises, shops and medical centres.• minimum 5% residential gross floor area as affordable housing dwellings• basement car parking, motorcycle parking, bicycle parking and service vehicle spaces

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DEFINITIONS

Applicant	Landcom on behalf of Sydney Metro, or any person carrying out any development to which this consent applies
Concept Proposal	A staged development application in accordance with the EP&A Act
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	City of Parramatta Council
CSSI Approval	The approval of the CSSI Project (CSSI 5414) under the EP&A Act for the construction of the Sydney Metro Northwest project, as amended by subsequent modifications
CSSI	Critical State Significant Infrastructure
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, as modified by the conditions of this consent.
EIS	The Environmental Impact Statement titled Concept State Significant Development Application, 242-244 Beecroft Road, Epping dated July 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Future Development Application(s)	Subsequent development application(s) for detailed proposals pursuant to this consent in accordance with the EP&A Act
GANSW	Government Architect NSW
GFA	Gross Floor Area
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
RtS or Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
RMS	NSW Roads and Maritime Services
SDRP	State Design Review Panel

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

DEVELOPMENT DESCRIPTION

- A1. Consent is granted to the 'Development' as described in Schedule 1 and the Environmental Impact Statement, as amended by the Response to Submissions and supplementary information and the conditions contained in this development consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS, Response to Submissions and supplementary information;
 - (d) in accordance with the management and mitigation measures;
 - (e) In accordance with the approved plans in the table below:

Architectural Drawings prepared by Bennett and Trimble			
Drawing Number	Revision	Name of Plan	Date
1	3	Site Plan	09.10.19
2	3	Concept Proposal Site Section	09.10.19
3	3	Concept Proposal P2 Plan	09.10.19
4	3	Concept Proposal P1 Plan	09.10.19
5	3	Concept Proposal Lower Ground Plan	09.10.19
6	3	Concept Proposal Ground Floor Plan	09.10.19
7	3	Concept Proposal L1 - L4 Plan	09.10.19
8	3	Concept Proposal L5 Plan	09.10.19
9	3	Concept Proposal L6 – L11 Plan	09.10.19
10	3	Concept Proposal L12 Plan	09.10.19
11	3	Concept Proposal Roof Plan	09.10.19
12	3	Concept Proposal Elevations	09.10.19
13	3	Concept Proposal Section 1	09.10.19
14	3	Concept Proposal Section 2	09.10.19
15	3	Concept Proposal Section 3	09.10.19

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).

- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c), A2(d) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), A2(d) or A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

DETERMINATION OF FUTURE DEVELOPMENT APPLICATIONS

- A5. In accordance with Section 4.22 of the EP&A Act, all development under the Concept and the subsequent stages are to be subject of future development applications.
- A6. The determination of future development applications cannot be inconsistent with the terms of this development consent as described in Schedule 1 and subject to the conditions in Parts B and C, Schedule 2.

LAPSING OF APPROVAL

- A7. This consent will lapse five (5) years from the date of consent, unless works associated with the development have physically commenced.
- A8. This consent does not allow any components of the concept development application to be carried out without further approval or prior to consent being granted.

LEGAL NOTICES

- A9. Any advice or notice to the consent authority must be served on the Planning Secretary.

PLANNING SECRETARY AS MODERATOR

- A10. In the event of a dispute between the Applicant and a public authority in relation to a requirement in this approval or relevant matter relating to this development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter shall be binding on the parties.

EVIDENCE OF CONSULTATION

- A11. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

END OF PART A

PART B CONDITIONS TO BE SATISFIED PRIOR TO LODGEMENT OF FUTURE DEVELOPMENT APPLICATIONS

AFFORDABLE HOUSING REGISTERED ON TITLE

- B1. Prior to the determination of the first future Development Application, a restriction must be registered against the title of the property on which development is to be carried out, in accordance with Section 88E of the Conveyancing Act 1919, that will ensure that a minimum 5% of the approved residential gross floor area is either dedicated, transferred to or managed by a Registered Community Housing Provider and made available as affordable housing as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009.

DESIGN GUIDELINES

- B2. Prior to the lodgement of any detailed development application, the Design Guidelines must be amended to the satisfaction of the Planning Secretary as follows:
- (a) in Section 3.02 (Design Guidelines), sub-section 2 regarding new through site link, include the following additional design guidance in relation to the pedestrian through-site link:
 - (i) the design of the through site link should increase the amount of landscaped area and rationalise ramps and staircases, such as by:
 - investigate separating the staircase and ramps
 - simplify the levels at landings
 - reduce the total length of ramps
 - increase landscaped spaces at level changes
 - consider how the path of travel for ramps will terminate near building entrances.
 - (ii) investigate design responses to keep the through site link open 18 to 24 hours a day

- (b) in Section 3.03 (Design Guidelines), sub-section 6 regarding landscaping, include the following additional design guidance in relation to the Beecroft Road frontage of the site:
 - (i) consult with Roads and Maritime Services (RMS) to explore opportunities to plant street trees along the Beecroft Road frontage, including tree setbacks from kerb, species and mature canopy height
- (c) in Section 3.02 (Design Guidance), sub-section 1 in relation low scale buildings, include the following additional design guidance in relation to the Ray Road frontage of the site:
 - (i) investigate opportunities to step the building levels along the slope of Ray Road to provide activated frontage and provide at grade pedestrian access to ensure basement walls do not dominate the frontage
 - (ii) where basement walls protrude aboveground and buildings are unable to be stepped, refer to Section 3.10 of this report for basement treatment options.

ENVIRONMENTAL PERFORMANCE / ESD

- B3. Prior to the lodgement of future development applications, the Applicant shall submit an updated ESD Report to the satisfaction of the Planning Secretary which amends the heading of Table 3 from "Targets" to "Minimum Targets", without making changes to these minimum targets, as committed to in the ESD Memorandum dated 10 October 2019 prepared by ARUP.

END OF PART B

PART C CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATION(S)

MAXIMUM BUILDING ENVELOPES

- C1. Future development applications must demonstrate that the buildings are wholly contained within the building envelopes consistent with the plans listed in Condition A2, as modified by the conditions of this consent.
- C2. Building height and gross floor area is to be measured in accordance with the definitions under Hornsby Local Environmental Plan 2013.
- C3. The maximum achievable gross floor area (GFA) is 38,700 m² and this amount will only be achieved subject to demonstration of:
 - (a) being wholly contained within the approved building envelopes
 - (b) compliance with the conditions of this concept approval
 - (c) demonstration of design excellence.

BUILT FORM AND URBAN DESIGN

- C4. The detailed development applications shall address compliance with:
 - (a) the Design Excellence Strategy
 - (b) the Design Guidelines
 - (c) the conditions of this consent.
- C5. The following elements are not inconsistent with the concept proposal but are subject to further assessment with the relevant detailed development application:
 - (i) land uses including residential accommodation, office premises, business premises, food and drink premises, medical centres and shops
 - (ii) indicative signage zones, following preparation of a Signage Strategy
 - (iii) subdivision.

DESIGN INTEGRITY

- C6. Future development applications must be accompanied by a Design Integrity Report that demonstrates how design excellence and design integrity will be achieved in accordance with:
 - (i) the design objectives of the Concept Development Application
 - (ii) consistency with the approved Design Guidelines
 - (iii) the advice of the Design Review Panel
 - (iv) the conditions of this consent.

The Design Integrity Report (DIR) must include a summary of feedback provided by the DRP and responses by the Applicant to this advice. The DIR must also include how the process will be implemented through to completion of the approved development.

AFFORDABLE HOUSING

- C7. Future development applications must demonstrate compliance with:
- (a) a minimum of 5% of residential GFA is to be provided as Affordable Housing as defined under State Environmental Planning Policy (Affordable Rental Housing) 2009 and dedicated, transferred to or managed by a Tier 1 Community Housing Provider.
 - (b) apartments to be managed by the Community Housing Provider are to be a mixture of studio, 1 bedroom, 2 bedroom and 3 or more bedroom apartments in line with the apartment mix of the remainder of the residential accommodation.

CAR PARKING AND BICYCLE PARKING

- C8. Future development applications must include a Car Parking Strategy and Management Plan and demonstrate compliance with:
- (a) the allocation of residential car parking spaces must be in accordance with the following rates:
 - (i) maximum 0.4 spaces per studio and 1 bedroom dwelling
 - (ii) maximum 0.7 spaces per 2 bedroom dwelling
 - (iii) maximum 1.2 spaces per 3 or more bedroom dwellings
 - (iv) 1 space per 7 dwellings for visitor spaces.
 - (b) non-residential car parking must be provided at a maximum rate of 1 space per 70m² of gross floor area (GFA)
 - (c) 1 accessible car parking space for each adaptable housing dwelling
 - (d) 1-2% of all non-residential car parking spaces to be accessible car parking
 - (e) minimum of 4 motorcycle parking spaces must be provided
 - (f) minimum of 1 car share space must be provided
 - (g) 1 bicycle parking space per dwelling and 1 bicycle parking space for visitors per 10 dwellings, provided close to the street entrances and designed in a manner which minimises potential conflict with vehicles
 - (h) end-of-trip facilities comprising showers and lockers are to be provided if the application includes 300m² or more of commercial GFA.

TRAVEL DEMAND MANAGEMENT

- C9. Future development applications shall be accompanied by a Green Travel Plan consistent with the framework and initiatives in Section 3.3 of the Traffic and Transport Impact Assessment dated 8 June 2019 prepared by SCT Consulting. The Green Travel Plan must also consider the requirements of Section 1C.2.1(ak) of the Hornsby DCP 2013.

TRAFFIC, ACCESS AND PARKING ASSESSMENT

- C10. Future development applications shall be accompanied by a Traffic and Transport Impact Assessment.
- C11. Future development applications shall include consideration of:
- (a) design options to enforce left in/left out vehicle movements only from the Beecroft Road access point and prevent traffic entering the Epping Services Facility from entering the deceleration lane, such as provision of a splitter island at the proposed car park access.
 - (b) review of design of the Ray Road vehicle access for visibility and safety for vehicles turning out, conflict with pedestrians and conflict associated with vehicles turning right into the development and through vehicles
 - (c) project demand for double marked lanes up to Carlingford Road from the development access point on Ray Road in consultation with RMS and Council.
- C12. Future development applications shall include a Construction Traffic and Pedestrian Management Plan (CTMP) prepared in consultation with the Sydney Coordination Office and Council, and to the satisfaction of the relevant road authorities. The CTMP shall include, but not be limited to:
- (a) construction car parking strategy
 - (b) haulage movement numbers / routes including contingency routes
 - (c) detailed travel management strategy for construction vehicles including staff movements
 - (d) maintaining property accesses
 - (e) maintaining bus operations including routes and bus stops
 - (f) maintaining pedestrian and cyclist links / routes
 - (g) independent road safety audits on construction related traffic measures

(h) measures to account for any cumulative activities / work zones operating simultaneously.

- C13. Independent road safety audits are to be undertaken for all stages of further design development involving road operations and traffic issues and cognisant of all road users. Any issues identified by the audits will need to be closed out in consultation with Sydney Coordination Office, RMS and/or Council to the satisfaction of the relevant roads authorities.

SYDNEY METRO CORRIDOR PROTECTION

- C14. Future development applications must include the preparation and submission of documentation compliant with Sydney Metro Underground Corridor Protection Technical Guidelines.

SYDNEY WATER CONDITIONS

- C15. Future development applications must address compliance with the following:
- (a) no building or permanent structure is to be built over the stormwater channel or within 1m from the outside wall of the stormwater channel or within Sydney Water easement, whichever is larger. Permanent structures include (but are not limited to) basement car parking, hanging balcony, roof eaves, hanging stairs, stormwater pits, stormwater pipes, elevated driveway, basement access or similar structures. This clearance requirement applies for unlimited depth and height.
 - (b) submit elevation drawings within the stormwater channel to ensure the proposed buildings and permanent structures are 1m away from the outside face of the stormwater channel and away from any Sydney Water easement.

HERITAGE IMPACT ASSESSMENT

- C16. Future development applications shall include a detailed Heritage Impact Statement for the proposed works, including an unexpected finds protocol for Aboriginal and historical archaeology.

WIND IMPACT ASSESSMENT

- C17. Future development applications for aboveground works shall be accompanied by a Wind Impact Assessment including computer modelling within a wind tunnel study of detailed building form. Wind criteria for the use of different spaces around the development are to be adopted. Recommendations of the Wind Impact Assessment must be incorporated in the drawings lodged.

ENVIRONMENTAL PERFORMANCE / ESD

- C18. Future development applications must demonstrate consistency with the approved ESD Report and Addendum.
- C19. Future development applications must demonstrate how the principles of ecologically sustainable development (ESD) have been incorporated into the design, construction and ongoing operation of the proposal. This shall include preparation and implementation of Environmental Sustainability Strategies that incorporate low-carbon, high efficiency targets aimed at reducing emissions, optimising use of water, reducing waste and optimising car parking provision to maximise sustainability and minimise environmental impacts.
- C20. The Environmental Sustainability Strategies prepared for the future development applications are to identify which independent sustainability rating tool certification will apply to the whole site, and identify the targeted rating level that represents at least best practice.

SECURITY AND CRIME ASSESSMENT

- C21. Future development applications shall be accompanied by a Security and Crime Risk Assessment prepared in consultation with NSW Police having regard to Crime Prevention Through Environmental Design (CPTED) Principles and NSW Police publication "Safe Place: Vehicle Management: A comprehensive guide for owners, operators and designers".

CONSTRUCTION IMPACT ASSESSMENT

- C22. Future development applications shall provide analysis and assessment of the impacts of construction works and include:
- (a) Construction Traffic and Pedestrian Management Plan, as per Condition C12
 - (b) Community Consultation and Engagement Plan(s)
 - (c) Noise and Vibration Impact Assessment
 - (d) Construction Waste Management Plan
 - (e) Air Quality Management Plan.
- C23. The plans above may be prepared as part of a Construction Environmental Management Plan prepared for implementation under the conditions of any consent for future development applications.

NOISE AND VIBRATION ASSESSMENT

- C24. Future development applications shall be accompanied by a Noise and Vibration Impact Assessment that demonstrates the following requirements are met:
- (a) vibration from construction activities does not exceed the vibration limits established in British Standard *BS7385-2:1993 Excavation and measurement for vibration in buildings. A guide to damage levels from groundborne vibration*.
 - (b) provide a quantitative assessment of the main noise generating sources and activities during operation. Details are to be included outlining any mitigating measures necessary to ensure the amenity of future sensitive land uses on the site and neighbouring sites is protected during the operation of the development.
- C25. The Noise and Vibration Assessment must address the conclusions and recommendations of the Concept Noise and Vibration Assessment Report dated September 2019 prepared by Wilkinson Murray.

FLOODING AND STORMWATER ASSESSMENT

- C26. Future development applications shall be accompanied by a Flood and Stormwater Impact Assessment. The Assessment must demonstrate the conclusions and recommendations of the Concept Water Quality, Flooding and Stormwater Report dated 31 October 2018 prepared by AECOM.

REFLECTIVITY ASSESSMENT

- C27. Future development applications for aboveground works shall include a Reflectivity Assessment demonstrating that external treatments, materials and finishes of the development do not cause adverse or excessive glare.

BUSHFIRE RISK ASSESSMENT

- C28. Future development applications shall be accompanied by a Bushfire Risk Assessment, demonstrating compliance with Planning for Bushfire Protection 2019.

END OF PART C

ADVISORY NOTES

Appeals

- AN1 The Applicant has the right to appeal to the Land and Environment Court in the matter set out in the EP&A Act and the EP&A Regulation (as amended).
- AN2 The Applicant is solely responsible for ensuring all additional consents and agreements are obtained from other authorities, as relevant.